**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DONNA MOORE, FRENCHOLA HOLDEN, and KEITH MCMILLON, individually and on behalf of all others similarly situated, Plaintiffs, v. GMAC MORTGAGE, LLC, GMAC BANK, and, CAP RE OF VERMONT, INC., Defendants.	Civil Action No. 2:07-cv-04296-PD

**PLAINTIFFS' UNOPPOSED MOTION FOR PRELIMINARY
APPROVAL OF SETTLEMENT, PRELIMINARY CERTIFICATION OF
SETTLEMENT CLASS, APPROVAL OF PROPOSED CLASS NOTICE AND
<u>SCHEDULING OF A FINAL APPROVAL HEARING</u>**

Plaintiffs Donna Moore, Frenchola Holden, and Keith McMillon (collectively, "Plaintiffs" or "Named Plaintiffs"), by and through their attorneys, hereby move for preliminary approval of the Settlement Agreement ("Settlement Agreement"), filed contemporaneously with the Court as Exhibit 1 to the Declaration of Edward W. Ciolko ("Ciolko Decl.") filed in support of this Unopposed Motion. The Settlement submitted for preliminary approval to the Court was entered into between Plaintiffs and Defendants GMAC Mortgage, LLC and GMAC Bank (now known, and herein referred to, as "Ally Bank") and Cap Re of Vermont, Inc. ("Cap Re") (collectively, "Defendants") (together with Plaintiffs, the "Parties"), and is described at length in the accompanying Memorandum of Law and would fully and finally resolve this action alleging violations of Sections 8(a) and (b) of the Real Estate Settlement Procedures Act of 1974 ("RESPA"), 12 U.S.C. §§ 2607(a) and (b).

By this Motion, Plaintiffs request that the Court (1) grant preliminary approval of the

Settlement memorialized in the Settlement Agreement; (2) conditionally certify the Class for settlement purposes only; (3) approve and authorize the mailing of Class Notice; (4) preliminarily appoint Donna Moore, Frenchola Holden and Keith McMillon as class representatives; (5) preliminarily appoint Kessler Topaz Meltzer & Check, LLP as Lead Class Counsel and Bramson, Plutzik, Mahler & Birkhaeuser, LLP, Berke, Berke & Berke and Travis & Calhoun, P.C. as Class Counsel; (6) order all proceedings in the Action other than such as may be necessary to carry out the terms and conditions of the Settlement Agreement or the responsibilities related to or incidental thereto are stayed and suspended until further order of this Court; and (7) set a date for the Final Approval Hearing.

In further support of the Motion, Plaintiffs refer the Court to their Memorandum of Law in Support of Unopposed Motion for Preliminary Approval of Settlement, Preliminary Certification of Settlement Class, Approval of Proposed Class Notice and Scheduling of a Final Approval Hearing filed contemporaneously herewith and the accompanying Declaration of Edward W. Ciolko, Esq. A proposed Preliminary Approval Order is attached as Exhibit A to the Settlement Agreement and appended hereto.

WHEREFORE, Plaintiffs request that the Court grant this Motion and enter the proposed Preliminary Approval Order.

Dated: January 24, 2014

Respectfully submitted,

/s/ Edward W. Ciolko
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Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on January 24, 2014, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the counsel of record in this matter who are registered on the CM/ECF.

/s/ Edward W. Ciolko
Edward W. Ciolko